AN

ORDINANCE

OF THE

Lords and Commons

Assembled in

PARLIAMENT,

For the true payment of

TYTHES,

And other such Duties,

according to the Lawes and Customes of this Realm.

Die Veneris, 8 Novemb. 1644.

ORdered by the Lords in Parliament assembled, That this Ordinance for the due payment of all Tythes, and such other duties, be forthwith printed and published.

J. Brown Cler. Parliamentorum.

LONDON,

Printed for *John Wright* in the Old-baily,

Novemb. 9. 1644.

Die Veneris, 8 Novemb. 1644.

An Ordinance of the LORDS and and COMMONS assembled in Parliament, for the true payment of Tythes, and other such duties, according to the Laws, and Customs of the Realm.

WHereas divers persons within the Realme of England, and Dominion of Wales, taking advantage of the present distractions, and ayming at their owne profit, have refused and still do refuse to set out, yeeld, and pay Tythes, Offerings, Oblations, Obventions, & other such duties, according to the law of the said Realm; to which they are the more incouraged, because there is not now any such compulsory meanes for recovery of them by any Ecclesiastical proceedings, as heretofore hath been; although they remaine still due, and of right payable, as in former times. Be it therefore declared and ordained by the Lords

and Commons in Parliament assembled, that every person & persons whatsoever within the said Realme and Dominion, shall fully, truly, & effectually set out, yeeld, and pay respectively all and singular Tythes, Offerings, Oblations, Obventions, rates for Tythes, and all other duties commonly knowne by the name of Tythes, and all arreares of them respectively, to all and every the respective Owners, Proprietors, Impropriators, and possessors, as well Lay as Ecclesiasticall respectivelie, their Executors and Administrators of Parsonages, Vicarages, or Rectories, either impropriate, or presentative, or donative, and of Vicarages, and of portions of Tythes respectively within the said Realme and Dominion, according to the Law, custome, prescription, composition, or contract respectively, by which they or any of them ought to have been set out, yeelded, and paid at the beginning of this present Parliament, or two yeeres before; And in all and every case where any person or persons hath at any time since the beginning of this present Parliament or two yeeres before, substracted, withdrawn, or failed in due payment of, or hereafter at any time shall substract, withdraw, or

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faile in due payment of any such Tythes, Offerings, Oblations, Obventions, rates for Tythes, or any duty knowne by the name of Tythes, or arreares of them, or any of them, as aforesaid, the person or persons to whom the same is, hath been, or shall be respectively due, his Executors or Administrators, shall and may take his or their remedy therefore, as heretofore he or they in like case might have done, or may doe, by proceedings at the Common-law, or in any of his Majesties Temporall courts. And in case where he or they can have no such remedy, that he or they shall and may make his and their complaints thereof to any two Justices of peace within the same Countie, Citie, Towne, Place, Riding, or Division, not being Patron or Patrons of the Church where such subtraction, withdrawing, or failer of payment hath been, or shall be; nor being interessed any way in the thing in question: Which Justices of peace are authorised hereby, and shall have full power to summon by reasonable warning before hand all & every such person or persons against whom any such complaints shall be made to them, and after his or their appearance before them,

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or upon default made after the second summons, the said summons being made as aforesaid, and proved before the said Justices by Oath, which said Justices hereby shall have power to administer the same, to heare and determine the said complaint, by sending for, and examining Witnesses upon Oath, Which said Oath the said Justices are hereby also authorised to minister, and admitting other proofs brought on either side, and thereupon shall in writing under their hands and Seale adjudge the case, and give reasonable costs, and dammages to either party, as in their judgement they shall thinke fit.

And be it further ordained by the authoritie aforesaid, That if any person or persons shall refuse to pay any such Tithes or summes of money as upon such complaint and proceeding shall be by any such Justices of peace adjudged, as aforesaid, and shall not Within thirtie daies next after notice of such judgment in writing under the hand and Seale of such Justices of peace given to him or them, make full satisfaction thereof, according to the said judgement, in every such case the person & persons respectivelie to whom any such Tithes

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or summes of money shall be upon such judgement due shall and may by Warrant from the said Justices, or either of them distraine all and everie, or any the Goods and Chattels of the partie or parties so refusing, and of the same to make sale, and to retaine to himselfe or themselves so much of the monies raised by sale thereof as may satisfie the said judgment, returning the overplus thereof to the partie or parties so refusing. And in case no sufficient distresse can be found, that then the said Justices of peace or any other Justices of peace of the same Countie as aforesaid, shall and may commit all and everie such person and persons so refusing to the next common Goale of the said Countie, there to remaine in safe custodie, Without baile or maine prize, untill he or they respectivelie shall make full satisfaction, according to the said judgement.

Provided alwaies, and it is further ordained by the Authority aforesaid, that if any person or persons shall thinke him or themselves unjustly dealt with by or in any such judgement, as aforesaid, then he or they respectively shall and may thereof complaine to the high Court of Chancerie, where the cause be-

betweene the parties shall be againe heard and determined; which Court shall hereby have full Power and Authoritie to summon the parties, and to heare and determine the same; and to suspend execution as the same Court shall see cause; and to give finall judgement therein with reasonable costs to the partie or parties grieved by any such complaint brought before them.

Provided alwaies, that this Ordinance, or any thing therein contained shall not extend to any Tithes, Offerings, Yeerely-paiments, or other Ecclesiasticall duties, due or to be due for any houses, buildings, or other Hereditaments within the Citie of London or the Liberties thereof, which be otherwise provided for by Act of Parliament.

FINIS.